

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

REV-A-SHELF COMPANY, LLC

and

Case 09-CA-270793

**GENERAL DRIVERS, WAREHOUSEMEN
AND HELPERS, LOCAL UNION NO. 89,
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

ORDER¹

The Respondent's motion to dismiss the complaint is denied. The Respondent argues that President Biden's removal of former General Counsel Peter Robb before the end of Robb's statutory four-year term violated Section 3(d) of the Act. Consequently, the Respondent asserts, the President's appointment of Peter Sung Ohr as Acting General Counsel was also invalid, and Ohr lacks authority to issue or prosecute complaints.² Even assuming, *arguendo*, that the Board has jurisdiction to review the actions of the President, the exercise of this jurisdiction would not effectuate the policies of the Act. *National Assoc. of Broadcast Employees and Technicians – The Broadcasting and Cable Television Workers Sector of the CWA, AFL-CIO, Local 51 (American Broadcasting Companies)*, 370 NLRB No. 114, slip op. at 2 (2021) (authority to withdraw exceptions);

¹ The Board has delegated its authority in this proceeding to a three-member panel.

² The Respondent does not argue that there are no genuine issues of fact requiring a hearing. In any event, we would find no merit to a motion on this basis, because the Respondent's motion and the attached exhibits suggest the presence of numerous such issues. See Sec. 102.24(b) of the Board's Rules and Regulations.

Exela Enterprise Solutions, Inc., 370 NLRB No. 120, slip op. at 1 (2021) (authority to issue complaint in test-of-certification proceeding). Accordingly, we deny the Respondent's motion.

Dated, Washington, D.C., May 7, 2021.

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

JOHN F. RING, MEMBER